

## REMARKS

This paper is an Amendment accompanying a Request for Continued Examination (RCE).

In lieu of filing an Appeal Brief, Applicant respectfully requests that prosecution be re-opened with the filing of the accompanying RCE and this Amendment.

A Notice of Appeal was filed June 10, 2008. A Petition for a (5) Five Month Extension of Time is enclosed, thereby extending the deadline by which to file this Amendment and the RCE to Monday, January 12, 2009 since January 10, 2009 falls on a Saturday and since January 11, 2009 falls on a Sunday.

Claims 1-21 were pending.

In the Office Action Made Final mailed May 5, 2008, the Examiner rejected claims 1-15 and merely objected to claims 16-21.

Applicant gratefully acknowledges the indication by the Examiner that claims 16-21 recite patentable subject matter.

At least some of the elements as set forth in claim 16 are recited in an amended independent claim 1. Claim 16 has been cancelled without prejudice. It is believed that independent claim 1 and its dependent claims (i.e., claims 2-4) are in condition for allowance.

At least some of the elements as set forth in claim 17 are recited in an amended independent claim 5. Claim 17 has been cancelled without prejudice. It is believed that independent claim 5 and its dependent claims (i.e., claims 6-8) are in condition for allowance.

At least some of the elements as set forth in claim 18 are recited in an amended independent claim 9. Claim 18 has been cancelled without prejudice. It is believed that independent claim 9 and its dependent claims (i.e., claims 10-12) are in condition for allowance.

At least some of the elements as set forth in claim 19 have been combined with at least some of the elements as set forth in claim 1 to form an amended *independent* claim 19. It is believed that independent claim 19 is condition for allowance.

At least some of the elements as set forth in claim 20 have been combined with at least some

of the elements as set forth in claim 5 to form an amended *independent* claim 20. It is believed that independent claim 20 is condition for allowance.

At least some of the elements as set forth in claim 21 have been combined with at least some similar elements as set forth in claim 9 to form an amended *independent* claim 21. It is believed that independent claim 21 is condition for allowance.

Claims 22-27 are newly added dependent claims. Support for the newly added claims can be found, for example, in the specification at paragraph [0020] as well as in other portions of the specification including the drawings.

It is believed that claims 1-12 and 19-27 are in condition for allowance.

To place the present application in condition for allowance, Applicant has cancelled, without prejudice, independent claims 13-15.

Applicant does not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicant respectfully reserves the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

Applicant respectfully reserves the right to pursue, without prejudice, subject matter that has been amended and/or claimed in a continuing and/or related application.

With respect to the present application, Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in

U.S. Application No. 10/660,780, filed September 12, 2003

Attorney Docket No. 20220US02

Amendment dated January 12, 2009

Accompanying Request for Continued Examination (RCE) filed January 12, 2009

condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: January 12, 2009

Respectfully submitted,

/Michael T. Cruz/

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